

Message Text

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SUBJECT: AMBASSADOR SCHNYDER'S VIEWS ON THE FUTURE OF THE
US-SWISS JUDICIAL ASSISTANCE TREATY

1. ON JUNE 30, SWISS AMBASSADOR FELIX SCHNYDER, ACCOMPANIED BY DR. PAULI, HIS EMBASSY'S LEGAL ADVISER, TOLD A DEPARTMENT OFFICER THAT HE DID NOT ANTICIPATE ANY SERIOUS IMPEDIMENTS TO THE ORDERLY AND EXPEDITIOUS RATIFICATION OF THE "TREATY BETWEEN THE USA AND THE SWISS CONFEDERATION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS" (COMMONLY KNOWN AS THE JUDICIAL ASSISTANCE TREATY). SCHNYDER NOTED THAT THE TREATY ITSELF HAD NOW BEEN APPROVED BY OVERWHELMING VOTES IN BOTH HOUSES OF PARLIAMENT-- AND THAT THE TEXTUAL DIFFERENCES IN THE ACCOMPANYING IMPLEMENTATION LEGISLATION WERE "ONLY MINOR"; THEREFORE, THEY PROBABLY WOULD BE RESOLVED QUICKLY BY THE LOWER HOUSE IN SEPTEMBER.

2. AS FOR THE OFT-STATED USG DESIRE FOR AN EARLY EXCHANGE OF NOTES ON THE EVIDENTIARY PROCEDURES, SCHNYDER REPEATED HIS GOVERNMENT'S VIEW THAT IT WOULD BE MORE PRUDENT TO DELAY THIS OPERATION UNTIL AFTER THE LOWER HOUSE HAS AGREED TO THE REVISED IMPLEMENTATION LEGISLATION, BECAUSE THE

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RAISING OF SUCH QUESTIONS AT THIS STAGE COULD AROUSE A BROADER QUESTIONING OF THE LEGISLATION BY PARLIAMENT. THE DEPARTMENT OFFICER EXPRESSED UNDERSTANDING OF THE SWISS GOVERNMENT'S EVALUATION OF THE DOMESTIC POLITICAL

CONSIDERATIONS INVOLVED, BUT STRESSED THE USG VIEW THAT THE EARLIEST POSSIBLE EXCHANGE WOULD ENABLE OUR SIDE TO COMPLETE ITS PREPARATIONS FOR THE TRANSMITTAL OF THE TREATY TO OUR SENATE. SCHNYDER SAID HE UNDERSTOOD OUR POSITION AND WOULD RECOMMEND TO HIS GOVERNMENT THAT THE EXCHANGE BE COMPLETED AS SOON AS POSSIBLE.

3. WHEN THE DEPARTMENT OFFICER EXPRESSED SATISFACTION THAT THE GOS HAD ASSURED OUR EMBASSY AT BERN THAT THE SUBSTANCE OF THE NOTES PROPOSED BY THE USG PRESENTS "NO PROBLEMS," SCHNYDER REPLIED THAT HE HAD NO INFORMATION ABOUT THAT ASPECT OF THE MATTER.

4. SCHNYDER ADVISED THAT HIS GOVERNMENT MAY SUBSEQUENTLY DECIDE THAT IT WOULD BE NECESSARY TO SUBMIT THE NOTES TO PARLIAMENT FOR INFORMATION OR APPROVAL. THE DEPARTMENT OFFICER REQUESTED THAT HE DETERMINE WHETHER THIS WOULD INDEED BE NECESSARY, AND, IF SO, HOW THIS ADDITIONAL STEP MIGHT AFFECT THE TIME SCHEDULE. UPON REFLECTION, SCHNYDER OPINED THAT THE LIKELIHOOD OF SUCH ACTION WAS SLIGHT.

5. SCHNYDER OBSERVED THAT, UPON THE FINAL APPROVAL OF THE IMPLEMENTATION LEGISLATION IN SEPTEMBER, A 90-DAY WAITING PERIOD BEGINS DURING WHICH A NATIONWIDE REFERENDUM CAN BE CALLED TO PASS UPON THE NEW FEDERAL LAW. DR. PAULI ADDED THAT THERE WAS LITTLE LIKELIHOOD THAT ANYONE COULD GAIN THE NECESSARY 30,000 NAMES ON A PETITION FOR SUCH A REFERENDUM. BECAUSE HIS GOVERNMENT MUST IN ANY EVENT WAIT OUT THIS 90-DAY PERIOD BEFORE EXCHANGING INSTRUMENTS OF RATIFICATION, SCHNYDER THOUGHT THAT THIS WOULD PROVIDE A CONVENIENT TIME FRAME FOR THE EXCHANGE OF NOTES AND FINAL ACTION BY THE US SENATE, THEREBY MAKING IT POSSIBLE TO ANTICIPATE A SIMULTANEOUS EXCHANGE OF INSTRUMENTS OF RATIFICATION IN LATE WINTER OR EARLY SPRING. THIS WOULD PERMIT THE TREATY TO BE ENTERED INTO FORCE BY MID-SUMMER 1976.
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6. SCHNYDER STRESSED THE STRONG DESIRE OF HIS GOVERNMENT AND RESPONSIBLE LEADERS OF THE SWISS BANKING AND BUSINESS CIRCLES THAT THIS VALUABLE TREATY WILL SOON BEGIN TO MAKE POSSIBLE SMOOTHER JUDICIAL ASSISTANCE OPERATIONS, THEREBY FACILITATING OUR MUTUAL STRUGGLE AGAINST CRIME.

7. WHILE ON THE SUBJECT OF JUDICIAL ASSISTANCE OPERATIONS, THE DEPARTMENT OFFICER REQUESTED THE GREATEST POSSIBLE FLEXIBILITY AND UNDERSTANDING IN THE SWISS PROCESSING OF US REQUESTS DURING THE "SENSITIVE" PERIOD BEFORE FINAL PARLIAMENTARY ACTION IN SEPTEMBER. SCHNYDER AGREED TO CONVEY THIS REQUEST TO THE FDJP-- AND MARKEES. INGERSOLL

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